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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, the American Association of Jurists, France-Libertés: Fondation Danielle Mitterrand, the International Association of Democratic Lawyers, the International Federation of ACAT (Action of Christians for the Abolition of Torture), the International Federation of Human Rights Leagues, the International League for the Rights and Liberation of Peoples, International Prison Watch, non-governmental organizations in special consultative status, and the World Organization Against Torture, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 February 1998]

The situation of human rights in Mexico

The above-mentioned international human rights organizations would like to bring to the attention of the Commission on Human Rights the following statement which has been co-signed by 64 non-governmental organizations from Mexico:

1. The undersigned non-governmental organizations express their deep concern and alarm regarding the situation of human rights in Mexico. Repeated, proven and coinciding denunciations made both nationally and internationally by Mexican and foreign civil organizations throughout 1997 have not been able to prevent a further deterioration in human rights in Mexico. In addition, the official system of protection of human rights, which consists of the National Human Rights Commission (CNDH) and of 32 State commissions, was shown to be inefficient and insufficient in providing an answer to the problems posed by the constant violations which occur in Mexico.

2. In Mexico there exists a gross pattern of human rights violations which includes torture, illegal detentions, prisoners of conscience, attacks on human rights defenders, enforced disappearances, extrajudicial executions, denial of justice, and violent action by paramilitary groups which act with total impunity in rural areas.

3. The denial and deprivation of justice are the most common violations. The institutions responsible for the administration of justice, as well as the judicial recourses, are inefficient and biased. There are many victims of these practices, as is demonstrated by the high number of recommendations emitted by the human rights commissions in all the States. Consequently, the victims lack effective, appropriate and simple recourses to remedy abuses suffered in the hands of the authorities.

4. The official statistics of the CNDH are revealing. In seven years (1990-1997) it has received 58,777 complaints of human rights violations. Of these, it has emitted 1,250 "recommendations" of which 855 are recorded as being "totally implemented", 359 are "in the process of being implemented" and 36 are "pending acceptance". However, the mandate of the CNDH and the State human rights commissions does not give them any effective autonomy; it prevents them from dealing with political rights, labour rights and jurisdictional matters; their recommendations are not judicially binding; and the denomination "totally implemented" refers to an administrative process between the CNDH and the responsible authority, without it actually meaning that justice had been done to the victim, or that the damages have been repaired.

5. There has been a marked increase in the role of the armed forces in the civil life of Mexico, to the extent that only in 3 of the 32 States the police forces are not led by the military. Furthermore, there exists a renewed judicial framework which favours human rights violations and restricts fundamental guarantees (for example, the National System of Public Security and the Federal Law Against Organized Delinquency). The militarization of the country is a direct cause of violations: in the cities, through the

militarization of high command posts of the police, and in rural areas as a result of the direct activity of the army in public security, and in the fight against the drug trade and armed insurgency.

6. On 15 December 1997, 28 hooded military men without uniform, in duty, participated in the kidnapping of 20 youngsters in San Juan Ocotán, Zapopoan, Jalisco, apparently for the robbery of a pistol. The result was that one of the youngsters was murdered and all were tortured. The municipal police did not intervene despite the fact that they knew of the action and that the military also raided 20 houses in that village.

7. In urban zones there has been a substantial increase in the number of police raids, which feature illegal raids and illegal detentions in the name of the fight against delinquency. Another case which shocked Mexican society was the detention, torture and execution of six youngsters in Colonia Buenos Aires, Mexico City, which was committed by elite militarized police groups. In terms of efficiency, however, this strategy against delinquency is a complete failure, in that it attacks only the consequences - violating human rights in the process - and not the causes of the criminality. So, it has been that only until the end of 1997, when the economic crisis had somewhat improved, that there was some reduction in the rate of growth of delinquency. In spite of this, the level of criminal impunity lays at approximately 96 per cent in Mexico City.

8. In rural areas, the violations of human rights are more frequent and grave. The rural population, which is generally poorer than the urban population, is in a condition of greater vulnerability. Amongst the greatest problems of the Mexican countryside are misery; the presence of a "cacique" power structure - generally involving the PRI (Partido Revolucionario Institucional), the hegemonic political party for almost 60 years - which promotes and protects paramilitary groups with the aim of ensuring its political control; the impunity which these groups and the local authority enjoy before State and federal governments; the impossibility to guarantee the access to any person to the judicial system; and the partiality with which justice is administered. The assassination of 45 men, women and children in Acteal, Chiapas, on 22 December 1997, by paramilitary groups tolerated by the Mexican Government, which according to the denunciations made by civil organizations and indigenous communities, have been sponsored and financed by the State government and trained by the Mexican army, demonstrates the existence of a true civil war in the poorest rural areas of Mexico, especially in regions where there is a high percentage of indigenous population.

9. Mexico has always shown reticence to the international inspection of its human rights situation. Using national sovereignty as a pretext, the Government has even expelled members of independent international human rights missions, as was the case of the FIDH mission, which in April of 1997 had two of its four members expelled from the country. The FIDH was allowed to return and finish its mission in July of that year. Nonetheless, due to the gravity of the situation and to international and internal pressure, the Mexican Government has permitted visits of the Inter-American Commission on Human Rights, the United Nations Special Rapporteur on torture, the High Commissioner for Refugees, and the Special Rapporteur on the sale of children, child prostitution and child pornography.

10. However, the Committee Against Torture observed, after examining the report of Mexico in April 1997, that torture continued to be systematically practised in Mexico, especially by the judicial police, both local and federal, and lately, also by members of the Armed Forces under the pretext of the fight against subversion, who are protected by impunity and by the profound dichotomy between the theoretical legal framework and its implementation.

11. In August 1997, the Committee on the Elimination of Racial Discrimination, expressed its preoccupation about the persistence of the discrimination practices, sometimes involving public authorities, of which indigenous peoples are the victims. It is significant that the Committee has manifested its interest in finding out which measures have been adopted to bring an end to the activities of paramilitary groups which still exist in indigenous areas; and in knowing if detainees have had access to fair judicial proceedings, and if perpetrators, both military and civilian, of disappearances, summary executions and torture have been arrested and put in the hand of the judiciary.

12. In his last report, the Special Rapporteur on situations of extrajudicial, summary or arbitrary executions, expressed his concern at the increase in politically-motivated assassinations, attacks, harassment and other acts of violence against human right defenders, journalists, leaders of farmers and indigenous organizations, members of political parties, and religious communities.

Recommendations

13. The signatory organizations ask that the Commission on Human Rights calls upon the Government of Mexico to urgently adopt appropriate measures that put an end to the large number of human rights violations that occur in Mexico, putting an end to the impunity of the perpetrators of these crimes through a reform to the judicial system that assures to all individuals a full access to it.

14. The signatory organizations ask that the Commission on Human Rights pay close attention to th evolution of human rights in Mexico, taking into account the information presented by the various organs of the United Nations and the Organization of American States, who are charged with the supervision of the respect for and protection of human rights.

15. The signatory organizations ask that the Commission on Human Rights appoint a Special Rapporteur for Mexico, in charge of monitoring the whole situation of human rights in the country and of reporting to the Human Rights Commission at its fifty-fifth session.

The organizations members of the Red Nacional de Derechos Humanos "Todos los Derechos para Todos":

- Academia Jaliciense de Derechos Humanos (AJDH)
- Acción de Cristianos para la Abolición de la Tortura (ACAT)
- Asociación Civil para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo"

- Asociación Jaliciense de Apoyo a los Grupos Indígenas (AJAGI)
- Centro de Derechos Humanos "Francisco Vitoria", A.C.
- Centro de Derechos Humanos "Fray Bartolomé de las Casas"
- Centro de Derechos Humanos Miguel Agustín Pro, A.C. (PRODH)
- Centro de Derechos Humanos "TEPEYAC"
- Centro de Derechos Humanos de Zit-cuaro
- Centro de Derechos Indígenas (CEDIAC)
- Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos
- Centro de Estudios Fronterizos y Promoción de los Derechos Humanos (CEFPRODHAC)
- Centro de Promoción y Defensa de los Derechos Humanos, A.C.
- Centro para la Defensa de los Derechos Humanos, A.C. (CEDHAC)
- Centro Potosino de Derechos Humanos, A.C.
- Ciudadanos en Apoyo a los Derechos Humanos, A.C.(CADHAC)
- Comisión de Derechos Humanos "La voz de los sin voz"
- Comisión de Derechos Humanos de Colima, Organismo No Gubernamental
- Comisión de Derechos Humanos de la Asamblea de Barrios
- Comisión Independiente de Derechos Humanos de Morelos
- Comisión Intercongregacional "Justicia, Paz y Vida"
- Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C. (CMDPDH)
- Comisión para la Defensa y Promoción de los Derechos Humanos, A.C.
- Comisión Regional de Derechos Humanos "Mahatma Gandhi"
- Comisión de Solidaridad y Defensa de los Derechos Humanos A.C. (COSYDDHAC)
- Comité Ciudadano para la Defensa de los Derechos Humanos, A.C.
- Comité de Defensa de las Libertades Indígenas (CDLI)
- Comité de Derechos Humanos de Tabasco (CODEHUTAB)
- Comité de Derechos Humanos "Fray Pedro Lorenzo de la Nada, O.P."
- Comité de Derechos Humanos Ajusco
- Comité de Derechos Humanos Pueblo Nuevo A.C.
- Comité de Derechos Humanos y Orientación Miguel Hidalgo, A.C.
- Comité Independiente de Derechos Humanos de Irapuato
- Comité Sergio Mendez Arceo A.C.
- Comité Sergio Mendez Arceo Pro Derechos Humanos de Tulancingo, Hidalgo
- Derechos Humanos, Universidad Iberoamericana León
- Frente Civico Sinaloense
- Fundación para la Reintegración Social A.C.
- Grupo de Derechos Humanos "Guizar y Valencia"
- Grupo de Derechos Humanos "Matza-Itza"
- Grupo de Derechos Humanos de Playa Vicente, A.C.
- Grupo Indignación A.C.
- Instituto Mexicano para el Desarrollo Comunitario A.C.(IMDEC)
- Pro Derechos Humanos A.C.(PRODHAC)
- Tlachinollan A.C.

Other organzations:

- Academia Mexicana de Derechos Humanos (AMDH)
- Brigadas Pro Derechos Humanos - Observadores por la Paz
- Centro de Estudios Antropológicos Ce-Acatl, A.C.

- Centro de Estudios de Derechos Indígenas, A.C.
- Centro Nacional de Comunicación Social, A.C. (CENCOS)
- Colectivo Mexicano de Apoyo a la Niñez (COMEXANI)
- Comisión de Seguimiento del Congreso Nacional Indígena, Grupos de Trabajo de Legislación y Comunicación
- Comité Contra la Reducción de la Edad Penal (CCREP)
- Defensoras Populares, A.C. (DPAC)
- Federación Latinoamericana de Asociaciones de Familiares de Detenidos - Desaparecidos Sección Mexico (FEDEFAM México)
- Foro de Organismos Civiles de Oaxaca (FOCO)
- Frente Autentico del Trabajo (FAT)
- Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- Movimiento Ciudadano por la Democracia (MCD)
- Red Mexicana de Acción Frente al Libre Comercio (REMALC)

International non-governmental organizations:

- Franciscans International
- The American Association of Jurists
- France Libertés: Fondation Danielle Mitterrand
- The International Association of Democratic Lawyers
- The International Federation of ACAT (Action of Christians for the Abolition of Torture)
- The International Federation of Human Rights Leagues (FIDH)
- The International League for the Rights and Liberation of Peoples
- International Prison Watch
- The World Organization Against Torture

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
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QUESTION OF THE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in general consultative status, the International Alliance of Women, the Women's International Democratic Federation, the Women's International League for Peace and Freedom, the World Association of Girl Guides and Girl Scouts and the World Student Christian Federation, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1998]

Human rights of women in Sudan

1. On 1 December 1997, a group of women representing the Sudanese Women's Alliance organized a peaceful march to protest against the abduction and dispatch of schoolchildren and young military recruits to the war zones in southern and eastern Sudan and the Nuba Mountains. Forced conscription of male secondary school leavers and random abduction of likely youngsters for military purposes are currently intensified by the military regime of General Omar El Bashir on a large scale. Methods used for conscription and training of the forced military recruits are primitive and well below the minimum safety standards observed under such conditions. Youngsters are poorly trained (less than two months) and hastily deployed to the war zones. Some of them are directly flown to the war zones to ensure speedy dispatch to the battlefields.

2. The Government's fierce abduction campaigns against youngsters as well as the poor training and high causality rate among the forced young military recruits have extremely frightened families, in particular women, over the fate of their children. Protesters have gathered in front of the United Nations building in Khartoum (Sudan) intending to deliver a written statement to the United Nations Representative in Sudan. The note criticized the Government for sending schoolchildren to the battlefields and requested interference of the United Nations to put an immediate halt to this practice.

3. The security forces responded to the peaceful demonstration with violence. Brutal methods and excessive force were used to disrupt the peaceful gathering. As a result many women were terrorized or severely injured. Some women were admitted to hospitals for medical treatment while others were arbitrarily arrested and summarily tried without proper legal procedure. They were denied any access to legal counselling. They have been fined (25,000 Sudanese pounds) and lashed (10 lashes each). One of the women was sentenced to 40 lashes for not conforming with the Islamic dress and wearing trousers. Flogging was inflicted on the majority of women in public without any medical check-up or examinations. They were detained in inhuman conditions till the early hours on 2 December 1997. We strongly condemn this cruel, degrading and inhumane treatment imposed by the fundamentalist military government on the Sudanese women. Judging by the regime's own legislation and Sudanese culture, such humiliation of women is a crime abhorrent to the Islamic faith and all canons of civilized government.

4. Among the participants who faced this ordeal are women politicians, human rights activists, doctors, lawyers, trade unionists and youth leaders such as Ms. Salawatt Mustafa, Member of the Executive Committee of the banned Sudanese Youth Union. The list also includes the following names:

1. Dr. Suad Ibrahim Ahmed
2. Sara Nugdalla
3. Nimat Malik
4. Sara Hamad el-Nil
5. Siham Adam
6. Widad Mohamed
7. Kuthur Hassan Ahmed
8. Zahara Mohamed Ahmed Fadil
9. Amina Ahmed Osman
10. Asmaa el-Sayed Ali
11. Salwa el-said
12. Samia Ahmed Osman
13. Zainab Ali el-Oumda Abdelmajid
14. Samira Osman
15. Sara Gusm-el-Saied
16. Amal Osman

17. Had el-Raid el-Mahi
18. Hayat Mahmoud
19. Iman Mohamed el-Hassan
20. Iman Abdelrahim
21. Sara el-Jinaid
22. Tyesser ...
23. Amina Ahmed Mustafa
24. Khansaa Omar Sowar-el-Zahab
25. Sitina Mohamed salih
26. Huda Ahmed Abdalla
27. Ibtihaj Ibrahim
28. Sakina Abdalla Kambal
29. Lilian Mohamed salih Hussain
30. Bakhita Ahmed el-Shaikh
31. Fatima Kamil Mohamed Khair
32. Naglla Saad Ahmed el-Shaikh
33. Sakina el-Jinaid
34. Intisar Sidig
35. Naglla Ahmed Musa
36. Fawzia Ahmed el-Fadil
37. Manal Mohamed Ahmed Mahjoub
38. Samira Talib Ibrahim
39. Amani Babiker

5. It is regrettable that this barbaric act is not an isolated incident. A series of similar crimes had been committed by the government security forces against the Sudanese women in recent years. On 23 August 1997, a group of female students from al-Ahfad University in Omdurman who had been on their way back home in university buses were detained and flogged in one of the Public Order Courts. They were accused of wearing obscene clothes that violate the vague Islamic female dress code. In 1990 the Government executed 28 Army officers within 24 hours of their arrest following a foiled coup attempt. Widows, children and members of the families of these officers used to organize peaceful gatherings in front of the Republican Palace every year to commemorate this tragedy. Usually, they are arrested, harassed, beaten and detained by the security forces.

6. On different occasions women, especially educated or politically conscious women, including students, were killed, arrested, incommunicado detained, tortured, humiliated and massively dismissed from public services. The killing of women was mainly caused by bullets shot by the security forces during demonstrations such as the case of Ms. Mushair Abdalla who was shot dead by the security forces in the middle of September 1996. At least three more females were killed in this way since December 1989. A girl child (three years old) succumbed to death on 3 April 1997 as a result of intensive use of tear gas by the security forces to disrupt a religious gathering in Khartoum North (Bahri).

7. Ms. Amal Gabralla, a medical doctor, was detained for two months in the wake of the doctors' strike of 1990. Ms. Buthina Doka, a nurse, was accused of using radio transmission for communication with the Sudanese Peoples' Liberation Army (SPLA). She was incommunicado detained for several months in one of the secret detention centres known as "Ghost Houses" before being transferred to the Women's Prison in Omdurman. As a result of severe torture and ill-treatment she lost her mental balance. On 28 November 1990 following a students' demonstration in Wad Madani (150 km south of Khartoum), a number of female students from al-Gezira University were arrested, flogged and had their hair partly shaven off their heads by the Government's militia forces at al-Farouq military camp.

8. Massive violations of human rights are committed against internally displaced women who live in squatter settlements surrounding Khartoum. These women who are usually originating from southern and western Sudan were forced to leave their homeland either by civil war or other reasons like drought. A

large portion of these women are either widows or the sole breadwinners for their households. As they are from rural backgrounds and relatively uneducated, it is impossible for them to get decent employment. They depend on petty trading on streets and public places or brewing of local alcohol. These women are regularly chased, harassed, beaten, subjected to exaggerated fines and have their utensils destroyed or confiscated by the so-called Public Order Police. Those charged with alcohol dealings are fined, have their properties destroyed and imprisoned.

9. The situation of women is especially dire in the war-affected regions of the country such as southern Sudan and the Nuba Mountains. As a direct result of war, horrifying accounts of fundamental rights violations against women were documented in these regions during the last few years. Besides the death and terror caused by the indiscriminate aerial bombardments of civilian targets, classical violations of fundamental rights committed against women, in particular young women, include rape, abduction of women for sexual comfort, forced labour and enslavement. As a result of these crimes and the loss of their children, either for enslavement or for military conscription, a large number of women are suffering from mental problems in the war zones. Major perpetrators of these blatant violations of fundamental rights are the security forces and government-sponsored militia groups such as the notorious Popular Defence Forces (PDF), Islamic Mujahideen and the tribal Murahaleen militia who regard women and children as legitimate war booty. Reports indicated that other warring factions mainly the pro-government southern Sudan Independence Movement (SSIM) is also responsible for some of these crimes against women in southern Sudan.

10. A number of regulations and laws that severely curtail women's rights were enacted in the Sudan since the present military junta ascended to power in June 1989. First and foremost is the Penal Code introduced in January 1991. Many observers considered this Penal Code as sharply incompatible with Sudan's obligations under international human rights treaty bodies to which the Sudan is a State party. As a matter of practice, in a male-dominated society governed by a fundamental ideology, women without distinction as to religion, race or creed are at best considered second-class citizens restrictions on their rights. As a direct consequence of the currently prevailing regulations in Sudan, women have been facing constant gender discrimination in social, political and economic life in the country. In the workplace, women are facing more restrictions targeting dismissal of the maximum possible number of them especially from sensitive positions. The presence of women in some government departments does not reflect the regime's genuine belief in the right of women to work, but a pragmatic stance dictated by necessity.

11. Freedom of movement of women is severely curtailed. In general women are not allowed to travel abroad unless in the company of a male guardian "muhram". In public transport women are segregated from their male companions and forcibly seated in a sealed area. In some regions, women are not allowed to walk on the streets or use taxis after sunset without the company of husbands. This comes in line with the Government's ultra-conservative Cultural Orientation Programme which dictates that the domain of a good Muslim woman is her home and she is either a mother or wife. In his consequent

reports before the General Assembly and the Commission on Human Rights, the Special Rapporteur on the Situation of Human Rights in the Sudan concluded that women in Sudan are facing the worst kind of human rights violations.

12. We are deeply concerned about the conditions of women in the Sudan and that they are constantly discriminated against, segregated, maltreated, humiliated and denied basic human rights. We call upon the Commission on Human Rights to further pressurize the military government in Khartoum to stop all sorts of violations of fundamental rights, especially women's human rights.

13. The Government of Sudan is further asked to observe the following:

(a) Comply with its obligations under international human rights treaties to which the Sudan is a State party;

(b) Put immediate end to the dispatch of schoolchildren and youngsters to the war zones;

(c) Stop violence and all forms of discrimination against women;

(d) Stop torture and release all political prisoners including women;

(e) Accede to the International Convention on the Elimination of All Forms of Discrimination against Women.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1998]

GE.98-10866 (E)

National institutions for the promotion and protection of human rights in the Andean region

1. Ombudsmen and constitutional courts are both autonomous national institutions independent of other agencies of the State. They need to be independent in order to carry out their essential functions of supervising the exercise of power, as well as promoting and protecting human rights. The office of the ombudsman (defensoría del pueblo) is an institution charged with ensuring respect for basic rights vis-à-vis the public administration. Constitutional courts are bodies which are entrusted with ensuring respect for the constitutional system and whose functions include protecting basic rights by dealing with amparo or habeas corpus proceedings and other constitutional safeguards.

The Office of the ombudsman

2. The office of the ombudsman is of vital importance in consolidating the rule of law since it promotes an awareness of citizens' rights that encourages them to be respected by the State and private individuals. The Andean Commission of Jurists has been working closely with the countries of the region to promote the establishment and development of such institutions.

3. In Bolivia an Act defining the functions and powers of the Ombudsman was passed recently. This Act represents a positive step and the Andean Commission of Jurists has cooperated on a continuing basis in the establishment of this institution in Bolivia. It is to be hoped that the election of the Ombudsman will take place shortly, without any influence from partisan interests.

4. In Ecuador the Congress passed the Office of the Ombudsman Organization Act last year and shortly afterwards appointed its incumbent. However, the latter tendered his resignation in view of the intentions of the Congress to reduce his period of activity, in contravention of the Constitution. At present the status of the Office of the Ombudsman is rather uncertain. Almost a year after its approval, the institution has still not begun work and an assembly is drafting a new constitutional text.

5. In Colombia and Peru, the institutional work of the respective offices of ombudsman has continued to be consolidated and effective action has been carried on for the defence and protection of human rights. The most important achievements in the two countries have involved the use of constitutional procedures to guarantee human rights and the application of constitutional safeguards - especially the writ of protection for constitutional rights (tutela), in the case of Colombia. In the case of Peru, the Office of the Ombudsman managed, in the first 18 months of work, to win a substantial degree of acceptance by the public, which has lent the institution greater popular legitimacy. Its action has focused in large part on complaints from citizens directly related to the ongoing process of privatization. The Andean Commission of Jurists has actively supported the development of this institution since its inception and is continuing to provide it with advice in various areas.

The constitutional courts

6. It is also necessary, in our view, to consider the region's achievements and setbacks in the development of constitutional courts as bodies charged with ensuring respect for the Constitution and the basic rights enshrined therein.

7. We welcome the way in which the Constitutional Court of Colombia exercised its functions in 1997, making it the most solid institution for the defence of the Constitution in the whole region. Since the beginning of its activities in 1992 it has developed a large body of case law on basic rights and has handed down important decisions to protect them against attacks from the State or private individuals. The Court's judgements have continued to make news by virtue of its creative capacity in safeguarding constitutional values that the dramatic situation in Colombia has tended to negate. On many occasions, it has thus had to confront and overcome pressures from politicians, the armed forces and even the highest religious authorities.

8. The situation is very different in Ecuador and Peru, where political conflicts have led to developments that compromise aspects of the integrity of the constitutional system. In the course of 1997 the constitutional courts of both countries were subjected to serious interference, to the point where some of their members (all the members in the case of Ecuador) were removed from office.

9. In Ecuador, the Congress dismissed all the judges of the Constitutional Court following the removal of the President of the Republic from office. An ad hoc commission later selected and proposed new judges for approval by the Congress. However, the Court's independence and stability is threatened by a law which gives the Congress the power to relieve its members of their duties if they do not take action on a request within a period of 60 days.

10. In the case of Peru, the crisis of the Constitutional Court is still unresolved and this body cannot carry out its essential function of examining the constitutionality of laws. In May 1997, a little less than a year after taking office, three of the Court's six judges were removed by the Congress. This action was due to a proceeding brought for alleged contravention of the Constitution. The three judges had found inapplicable to the President of the Republic, Alberto Fujimori, the law interpreting article 112 of the Constitution in such a way as to enable the presidential incumbent to be elected for a third term despite the fact that the Constitution only allows for two terms of office. The removal of the three judges was an enormous setback for the rule of law in that country. Civil society saw the action of the Congress as overt interference with the autonomy and independence of the principal body concerned with protecting the constitutional system, an action which has resulted in a weakening of one of the most important institutions for the protection of citizens in Peru.

11. In Chile and Venezuela, the situation remains largely unchanged. The Constitutional Court of Chile exercises the limited powers vested in it by the Constitution, which do not provide for it to intervene in proceedings aimed at the protection of basic rights or for it to deal with motions of unconstitutionality against laws approved by the Congress and promulgated by

the President. In Venezuela there has been no proposal for constitutional reform to create a system for the thorough review of issues of constitutionality.

12. It is important to emphasize that ombudsmen and constitutional courts have a fundamental role to play in the development of democracy in the region. Democracy may be said to exist only in a State governed by the rule of law, where the Constitution sets limits to the exercise of power within the context of respect for basic rights. The functioning of bodies which supervise the exercise of power will therefore help to improve the conditions for the protection of human rights. The cooperation of the international community is thus essential in providing advisory services to support the consolidation and strengthening of such institutions.

13. The participation of organized civil society is likewise very important, since it contributes to enhancing the legitimacy and effectiveness of these supervisory bodies. The experience gained by the Andean Commission of Jurists in recent years demonstrates that it is only when the citizen views these institutions as his own that they can contribute to ensuring that the rule of law in the Andean region is not limited to statutes but has a positive influence in the everyday lives of human beings.